



Food and
Nutrition
Service

March 12, 2020

Braddock
Metro
Center

1320
Braddock
Place
Alexandria
VA 22314

Cheriee Watterson
Office Administrator
Child and Adult Nutrition Services
South Dakota Department of Education
800 Governors Drive
Pierre, South Dakota 57501-2235

Dear Ms. Watterson,

This letter is in response to the South Dakota Department of Education's (SDDE) March 10, 2020 request to waive the requirement that, during unanticipated school closures, Summer Food Service Program (SFSP) and National School Lunch Program (NSLP) Seamless Summer Option (SSO) meals must be served at non-school sites. Specifically, SDDE requested a statewide waiver of the SFSP requirements of Section 13(c)(1) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(c)(1)) codified at 7 CFR 225.6(d)(1)(iv), which would allow the State to approve the operation of SFSP and SSO meal service at school sites during unanticipated school closures. Pursuant to the waiver authority granted at section 12(l) of the NSLA, FNS approves SDDE's waiver request through April 30, 2022.

SDDE requested a waiver to be effective beginning March 11, 2020 and continue through April 30, 2022. This waiver would allow State agencies to approve sponsors to operate during unanticipated school closures at a school site. In its request, SDDE indicated that implementation of this waiver will decrease challenges faced by sponsoring organizations. SDDE also stated that the school sites are already equipped to provide meals to children in the event of an unanticipated school closure since they operate both SFSP and NSLP. On the contrary, SDDE described how denial of the waiver would negatively impact access to meals for children.

FNS approves SDDE's request to waive the requirement that State agencies may only approve non-school sites to operate during unanticipated school closures. SDDE may approve school sites in good standing to serve meals during unanticipated school closures unless doing so would present a safety concern. This waiver is effective immediately and valid through April 30, 2022. This waiver is applicable to regulations at 7 CFR 225.6(d)(1)(iv), which require State agencies to only approve a site proposing to operate during an unanticipated school closure if it is a non-school site.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by August 31, 2020, SDDE must provide to the FNS Mountain Plains Regional Office a written report quantifying the impact of the waiver, as described below. Because this approval is for three program years, MDE is also required to comply

with this reporting requirement in 2021 and 2022. Data must be submitted not later than August 31 each year. **Please note that the continuation of this approval in 2021 and 2022 is contingent on SDDE's ability to provide complete data and an analysis of the waiver impact for 2020 and 2021. Any requests for renewal of this waiver are contingent on SDDE's ability to provide complete data and an analysis of the waiver impact for each program year.**

The report must include the following:

- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in SFSP and SSO;
- The number of sponsors and sites that used the waiver;
- The number of meals that were served at school sites during unanticipated school closures;
- The number of meals that were served at non-school sites during unanticipated school closures; and
- A summary of findings associated with the waiver.

FNS appreciates SDDE's commitment to work with sponsors to find efficiencies that balance the needs of local communities with cost-effective program management and integrity. If you have questions, please contact the Mountain Plains Regional Office.

Sincerely,



Angela M. Kline
Director
Policy and Program Development Division

Electronic Copies: Diane Fulton, MPRO
Debby Hammack, MPRO